



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**State Employees' Association, Local 1984,
Ashland Town Employees**

v.

Town of Ashland

**Case No. G-0198-4
Decision No. 2015-092**

Pre-Hearing Memorandum and Order

Date of Conference: May 6, 2015

Appearances: Lauren S. Chadwick, Esq., for the Complainant
Mark T. Broth, Esq., for the Respondent

Background:

On April 8, 2015, the State Employees' Association, Local 1984, Ashland Town Employees (Union) filed an unfair labor practice complaint alleging that the Town of Ashland (Town) violated RSA 273-A:5, I (a), (b), (c), (e), (g), (h), and (i) when it failed to bargain in good faith by unnecessarily delaying negotiations and failing to support a tentative agreement, and when it unilaterally altered wages of a bargaining unit employee. The Union requests, among other things, that the PELRB order the Town to bargain in good faith and to cease and desist from engaging in unfair labor practices.

The Town denies the charges and argues that the bargaining unit was unlawfully composed of employees of three separate and independent public employers, Board of Selectmen, Water and Sewer Commission and Electric Commission, and that each public employer made a good faith effort to engage in collective bargaining with the Union. The Town also claims that it has no authority or ability to control the actions of the Electric Commissioners

with regard to establishment of wages or to require an Electric Commissioner to support a tentative agreement.

ISSUES FOR DETERMINATION BY THE BOARD

Whether the Town violated RSA 273-A:5, I (a), (b), (c), (e), (g), (h), and/or (i) as charged by the Union.

WITNESSES and EXHIBITS:

As outlined in the parties' Pre-Hearing Worksheets. Both parties reserve the right to amend their lists of witnesses and exhibits in conformity with Pub 203.01. It is understood that each party may rely on the representations of the other party that witnesses and exhibits appearing on their respective lists will be available at the hearing.

DECISION

1. "Parties" means the Union, the Town or their counsel/representative appearing in the case. The parties shall simultaneously copy each other electronically on all filings submitted in these proceedings.
2. At the pre-hearing conference, the parties jointly requested continuance of the proceedings in this case to allow them additional time to resolve the dispute. The parties' request is granted. Accordingly, the adjudicatory hearing currently scheduled for May 22, 2015 is cancelled. There shall be no further proceeding in this case until **July 6, 2015** at which time this case shall be dismissed unless one of the parties files a request for a hearing or other appropriate relief on or before July 6, 2015. The parties shall inform the PELRB of any resolution of this case in the interim.

So ordered.

May 6, 2015

Distribution: Lauren S. Chadwick, Esq.
Mark. T. Broth, Esq.


Karina A. Lange, Esq.
Staff Counsel/Hearing Officer